HIGH COURT OF UTTARANCHAL AT NAINITAL

Transfer Petition No. 13 of 2006

1. Kalidas Mandal,
   S/o Shishu Dhar Mandal.
2. Sri Sheo Pad Mandal,
   S/o Shishu Dhar Mandal,
   Both R/o Village-Radhakantpur,
   Tehsil-Gadarpur, District Udham Singh Nagar.

.....Applicants

Versus

1. District Judge, Nainital.
2. Prescribed Authority, Additional Sub Divisional Officer, Nainital.
3. State of Uttaranchal through Collector, Nainital.

.....Respondents

Sri S.K. Mandal, Advocate for the petitioners
Standing Counsel for the respondents

Dated 2.8.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for transfer of the proceedings of Misc. Case No. 483 of 1991 Kalidas Mandal V. State through the Collector to the court of District Judge, Udham Singh Nagar as the matter related to Tehsil Gadarpur, District Udham Singh Nagar and the petitioner also resides at Udham Sing Nagar. Since the case were transferred to the Court of Nainital, therefore the present case being cognizable at Udham Singh Nagar. Being resident of

Udham Singh Nagar, the same may be transferred to District Udham Singh Nagar.

The writ petition is allowed with a direction that the appellate court Udham Singh Nagar in pursuance of the order dated 4.6.2001 shall dispose of the appeal and the record of the case pending at Nainital shall be transferred to Udham Singh Nagar.

The transfer application is allowed. No. order as to costs.

Dated: 2.8.2006 **Rajesh Tandon, J.**